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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/914,752	09/04/2001	Steven Baldwin McGowan	CM2046	4422
27752	7590	10/09/2003	EXAMINER	
THE PROCTER & GAMBLE COMPANY INTELLECTUAL PROPERTY DIVISION WINTON HILL TECHNICAL CENTER - BOX 161 6110 CENTER HILL AVENUE CINCINNATI, OH 45224			DOUYON, LORNA M	
			ART UNIT	PAPER NUMBER
			1751	

DATE MAILED: 10/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/914,752

Applicant(s)

MCGOWAN ET AL.

Examiner

Lorna M. Douyon

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 04 September 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 24-53 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 24-53 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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***Specification***

1. The disclosure is objected to because of the following informalities:

The foreign copending applications on page 34, lines 3 and 18; page 35, line 29; page 37, lines 28 and 36; and page 39, line 11 should be updated.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

2. Claims 24, 27, 28, 32, 33, 35 and 50 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 24, 27, 28, 32, 33, 35 and 50 are indefinite because the Markush language is improper. The phrase “the group consisting of” should be added after “selected from”. See MPEP 2173.05(h)(I). Additionally, in claim 27, last two lines, “water-soluble salts” do not belong to the category of “nonionic monomers”.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

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such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1, 24-29, 33, 36-43, 45-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blasey et al. (DE 19710254), hereinafter "Blasey" (for the English translation of this reference, the US equivalent Patent No. 6,506,720 will be used).

Blasey teaches a washing- or cleaning-active shape containing at least one disintegrating agent which is capable of increasing the porosity or capillarity of shapes, more particularly tablets, the disintegrating agent being present in the shape in granular and optionally in co-granulated form, the granules of disintegrating agent containing at least 20% by weight and preferably 25 to 100% by weight of the disintegrating agent, and at least 90% by weight of the disintegrator granules have a particle size of at least 0.2 mm and at most 3 mm (see col. 3, line 61 to col. 4, line 12). Disintegrating agents in granular form or in co-granulated form or disintegrator granules are

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understood to include any disintegrating agents which are present per se in the form of fine-particle powders and which have been converted into coarser particles by spray drying, granulation, agglomeration, compacting, pelleting or extrusion (see col. 4, lines 13-19) which should have an apparent density as those recited. Preferred disintegrating agents which have to be converted into granular form or into co-granulated form include starch and starch derivatives, cellulose and cellulose derivatives, alginic acid and salts thereof, polyacrylic acid and polyvinyl pyrrolidone and it can be of advantage to incorporate additives, granulation aids, carriers or coating agents of known types in the disintegrating agents (co-granulated form) (see col. 5, line 64 to col. 6, line 9), such as zeolites, silicas, sulfates, calcium stearate, phosphates and/or acetates (see col. 8, lines 49-52). Blasey also teaches heterogeneous shape comprising several layers wherein the various layers may have different disintegration and dissolving rates (see col. 5, lines 10-22). The various layers of the shapes can be arranged in the form of a stack-like or envelope-like tablet (see col. 5, lines 22-45). Blasey, however, fails to specifically disclose a multi-phase tablet comprising co-granulated disintegrating agent comprising polymeric carboxylate and inorganic carrier in amounts as those recited.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to prepare a heterogenous tablet having several layers and comprising co-granulates of polyacrylic acid and inorganic carrier in their optimum proportions because the teachings of Blasey encompass these ingredients and proportions.

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6. Claims 50-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Delwel et al. (WO 95/200030), hereinafter "Delwel".

Delwel teaches co-granules for detergent tablets which comprises 1-90% (w/w) alkali metal silicate, carbonate, bicarbonate or sesquicarbonate; 5-90% (w/w) alkali metal salt of di- tri- or tetracarboxylic acid; 0-20% (w/w) polymer; 0-40% (w/w) alkali metal tripolyphosphate; 0-40% (w/w) alkali metal (bi)carbonate or sesquicarbonate; 0-20% (w/w) organic phosphonate; 0-60% (w/w) alkali metal sulphate; 0-10% (w/w) minor ingredients; 1-25% (w/w) moisture (see page 10, line 24 to page 11, line 2). Suitable polymers are polycarboxylic acid polymer like polyacrylic acid, copolymers of two or more carboxylic monomers like copolymers of maleic anhydride with acrylic acid or methacrylic acid(see page 8, line 18 to page 9, line 27). The co-granules are preferred to have an average particle size from about 100 to about 1500 microns (see page 13, lines 15-18). Delwel, however, fails to specifically disclose cogranules wherein the inorganic carrier is in the form of a powder or mixture of powders having a weight-average particle size of less than about 200  $\mu\text{m}$ .

It would have been obvious to one of ordinary skill in the art at the time the invention was made to reasonably expect the inorganic compounds of Delwel to have a particle size within those recited because the resulting co-granules having a particle size from about 100 to about 1500 microns would have been derived from particles smaller than the resulting co-granules.

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7. Claims 30-32, 34-35 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blasey as applied to the above claims, and further in view of Delwel.

Blasey teaches the features as described above. Blasey, however, fails to specifically disclose a carbonate as the carrier for the co-granules and the incorporation of organic phosphonate and hydrated salts into the co-granules in amounts as those recited.

Delwel teaches the features as described above.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate carbonate, organic phosphonates, alkali metal salt of di-tri- or tetracarboxylic acid and moisture into the co-granule of Blasey because Blasey specifically desires additives, granulations aids and carriers of known types in the disintegrating agents (see col. 6, lines 7-9), and Delwel teaches said components in co-granules for detergent tablets and to optimize the proportions of each of these ingredients because optimization for best results is within the level of ordinary skill in the art, see *In re Boesch*, 617 F.2d 272, 276, 205 USPQ 215, 219 (CCPA 1980). See also *In re Woodruff*, 919 F.2d 1575, 1578, 16 USPQ2d 1934, 1936-37 (Fed. Cir. 1990), and *In re Aller*, 220 F.2d 454, 456, 105 USPQ 233, 235 (CCPA 1955).

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lorna M. Douyon whose telephone number is (703) 305-3773. The examiner can normally be reached on Mondays-Fridays from 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta, can be reached on (703) 308-4708. The fax phone number for this Technology Center is:

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(703) 872-9311 - for Official After Final faxes  
(703) 872-9310- for all other Official faxes.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center receptionist whose telephone number is (703) 308-0661.

October 1, 2003

*Lorna M. Douyon*  
Lorna M. Douyon  
Primary Examiner  
Art Unit 1751